THE HON'BLE SRI JUSTICE K.C. BHANU

On Thursday, the twenty fifth day of August

Two thousand and Five.

W.P.No.18561 of 2002

L.M.K. High School, Kanigiri, Prakasam District, represented by its Correspondent Smt.M.Nagamma and another.

……Petitioners

And

The District Educational Officer, Prakasam District at Ongole.

…Respondent.

O R D E R:

This writ petition is filed to declare the action of the respondent in returning the proposals submitted for approval of the appointment of the 2nd petitioner as B.Ed., Assistant (Science) vide Rc.No.505/B5/B4/98 dated 22.08.2002, as illegal. The 1st petitioner is an aided High School and the 2nd petitioner was selected for the post of B.Ed. Assistant (Science).

Heard the learned counsel for the petitioners. The respondent has filed no counter.

The learned counsel for the petitioners contended that the 2nd petitioner is not concerned with the rule of reservation and having selected him, for all these

years his case has not been approved. Therefore, the respondent is bound to Rule 12 of the Rules framed by the Education Department as per G.O.Ms.No.1 Education, dated 01.01.1994. The Deputy Educational Officer, Kandukur sent the proposal for filling up of B.Ed.Assistant (Science) for approval. After scrutiny of the proposal, it came to light that the said post was illegally filled-up; therefore, the proposals were returned. The Regional Joint Director of School Education, Guntur by his proceedings dated 1.2.1999 accorded permission to fill up newly created unaided B.Ed Assistant (Science) post with O.C.(woman) category. Under Sub Rule (3) of Rule 22-A of A.P.State & Subordinate Service Rules, in the matter of direct recruitment of posts, which are reserved exclusively for being filled by women, they shall be filled by women only. Therefore, it cannot be filled up by any other persons, since the selection of the 2nd petitioner was contrary to the Rule of Reservation, rightly, the impugned proceedings have been passed returning the proposal, since no right of the petitioners is infringed, writ petition is liable to be dismissed.

The writ petition is devoid of merit and is dismissed. The interim direction granted by this Court on 30.9.2002 is hereby vacated. No order as to costs.

JUSTICE K.C. BHANU

25th August 2005

BCS